



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF AIR QUALITY
Cheryl Heying
Director

DAQ-073-08

MEMORANDUM

TO: Air Quality Board

THROUGH: Cheryl Heying, Executive Secretary

FROM: Colleen Delaney, Environmental Scientist

DATE: September 18, 2008

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-405-2. Permits: Major Sources in Attainment or Unclassified Areas (PSD). Applicability.

The federal Prevention of Significant Deterioration (PSD) permitting program in 40 CFR 52.21 is incorporated by reference in R307-405. The version of the CFR that is incorporated in R307-405 is specified in R307-405-2(1). The attached rule change updates the incorporation by reference to the most recent version of the CFR, dated July 1, 2008. The following updates to 40 CFR 52.21 will be included.

On May 1, 2007, EPA finalized changes to 40 CFR 52.21 (effective July 2, 2007) to exclude ethanol production facilities from the definition of chemical process plants, at Federal Register (FR) volume 72 page 24066.

On December 21, 2007, at FR volume 72 page 72607, EPA finalized changes to 40 CFR 52.21(r)(6) (effective January 2, 2008) to clarify the recordkeeping requirements for a modification where there is a "reasonable possibility" that the change would result in a significant increase of any regulated New Source Review (NSR) pollutant. This change is in response to a Court decision regarding EPA's NSR Reform Rulemaking that determined that the previous recordkeeping requirements were too vague. A source that makes a modification that increases actual emissions by more than 50% of the defined significant level for a pollutant will be required to keep records to verify that the increase in actual emissions is not significant. Limited recordkeeping is also required for a modification where other factors that are not related to the change, such as increased demand, would increase emissions by greater than 50% of the significance level. However, in this case the source is not required to report post-change actual emissions.

The July 1, 2008, version of the CFR does not include a recent change to 40 CFR 52.21 that establishes the PSD permitting requirements for PM_{2.5}. This change was published on May 16, 2008, FR volume 73 page 28321, but did not become effective until July 15, 2008. DAQ staff is still evaluating the change, and more time is needed to determine the effects of that rule change in Utah. For example, EPA has not yet finalized

PM_{2.5} significant impact levels (SILs) and significant modeling concentrations (SMCs) that were proposed in 2007 and until those levels are finalized it would be difficult to implement the PSD permitting program for PM_{2.5}. In addition, technical tools, such as emission factors, are still being developed. For these reasons, DAQ staff does not recommend incorporating the May 16, 2008, changes to 40 CFR 52.21 at this time. In the interim, UDAQ will continue to use PM₁₀ as a surrogate for PM_{2.5} as specified in EPA guidance.

Staff Recommendation: Staff recommends that R307-405-2 be proposed for public comment to update the incorporation by reference to the July 1, 2008, version of the CFR.

1 **R307. Environmental Quality, Air Quality.**

2 **R307-405. Permits: Major Sources in Attainment or Unclassified**
3 **Areas (PSD).**

4 **R307-405-2. Applicability.**

5 (1) All references to 40 CFR in R307-405 shall mean the
6 version that is in effect on July 1, 2008[7].

7 (2) The provisions of 40 CFR 52.21(a)(2) are hereby
8 incorporated by reference.

9 (3) Notwithstanding the exemptions in R307-401, any source
10 that is subject to R307-405 is subject to the requirement to
11 obtain an approval order in R307-401-5 through 8.

12
13 **KEY: air pollution, PSD, Class I area**

14 **Date of Enactment or Last Substantive Amendment: [~~January 11,~~**
15 **~~2008~~2009]**

16 **Notice of Continuation: July 13, 2007**

17 **Authorizing, and Implemented or Interpreted Law: 19-2-104**
18
19